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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

China Energy Corporation
Plaintiff

Vs.

Case No. 3:13-CV-562-MMD-VPC

Alan Hill, et al
Defendants

**Elena Sammons
Michael Sammons
Third-party Plaintiffs**

Vs.

**Cede & Co.
The Depository Trust Company
COR Clearing
Third -Party Defendants**

**OPPOSITION TO (Second) "Emergency
Motion to Extend Time"**

Comes the Defendant/Third-Party Plaintiff Michael Sammons, and would state in opposition to the "Emergency Motion to Extend Time", Dkt. 194, as follows:

By Order issued on February 21, 2014, U. S. District Judge Miranda Du ordered that the motion to dismiss Reply Brief was “due seven (7) days after the filing of the opposition.” Dkt. 157.

The **Amended Opposition** (necessary as a consequence of a Court Order warning of summary judgment) was filed on March 4, 2014, Dkt. 172.

By Order issued March 21, 2014, the U.S. Magistrate allowed the TP-D not 7 days, but rather 14 days in which to file their Reply Brief, or until Friday, April 4, 2014.

The DTC/Cede Third-Party Defendants (“TP-D”) now seek to extend the original 7 day deadline ordered by Judge Du, not to 14 days, but to 21 days. Since the TP-D already filed a 15 page Reply Brief five weeks ago on March 3, 2014, Dkt. 171, how difficult can it really be to prepare an Amended Reply Brief?

The U.S. Magistrate has been more than accommodating to the TP-D. Judge Du ordered that the Reply be filed within seven (7) days – but the U.S. Magistrate generously allowed 14 days. Next the TP-D asked the U.S. Magistrate to stay discovery until she could review the finding of Judge Du that “good cause” existed to add the TP-D¹ - and again the U.S. Magistrate generously agreed.

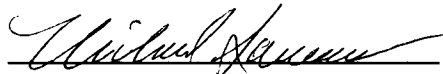
¹ As Judge Du was no doubt aware, and considered, even in the unlikely event impleader under Rule 14(a) was improper, the appropriate alternative is to sever the TP-Complaint and consolidate both cases for trial pursuant to Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1154 (9th Cir 1998)(“Nothing but a waste of time and resources would be engendered by ... forcing these parties to begin anew.”) Whether through Rule 14(a) impleader or severance and consolidation, Judge Du had ample basis for finding “good cause” to add the TP-D to this case. Nevertheless, the U.S. Magistrate, again at the request of the TP-D, granted an immediate stay of discovery pending her review of the TP-D’s motion to dismiss on grounds that “good cause” did not exist for adding the TP-D to this case. So Judge Du found “good cause,” the TP-D disagreed, and the U.S. Magistrate will be the tie breaker.

Now, the TP-D ask the U.S. Magistrate to extend the 7 day deadline set by Judge Du to 21 days. Really? Twenty-one (21) days is necessary to amend the 15 page Reply already on file?

The TP-D have presented nothing remotely constituting "good cause" for again extending the deadline for a Reply Brief set by Judge Du from 7 to 21 days, particularly since the TP-D need only file an Amended Reply to the Reply they filed 5 weeks ago.

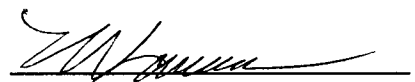
WHEREFORE, the "emergency motion" is due to be denied. The TP-D may rely upon, or amend, the 15 page Reply which they filed five weeks ago. Dkt. 171.

Respectfully submitted,


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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was mailed or emailed to all parties this the 2 day of April, 2014.


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